

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

<p>National Presto Industries, Inc., Plaintiff, v. U.S. Merchants Financial Group, Inc., d/b/a Greenmade, Defendant.</p>	<p>Case No. 18-cv-03321 (SRN/BRT)</p> <p style="text-align: center;">ORDER</p>
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Christopher K. Larus, William E. Manske, Emily J. Tremblay, Ellen Levish, and Jessica L. Gutierrez, Robins Kaplan LLP, 800 LaSalle Avenue, Suite 2800, Minneapolis, MN 55402, for Defendant.

SUSAN RICHARD NELSON, United States District Judge

This matter is before the Court on the parties' Status Report and Request for Order on Timed Trial [Doc. No. 545] ("Status R. & Request"). Based on a review of the files, submissions, and proceedings herein, and for the reasons below, the Court **GRANTS** the request, as outlined below.

I. BACKGROUND

The Court held a pretrial conference on April 7, 2022. (Hr'g Minutes [Doc. No. 535].) At that conference, the Court ordered that the bench trial would be tried first, with

the jury trial to follow on a later date. *Id.* The Court also ordered the parties to meet and confer regarding the start date of the bench trial and to determine how many trial days the parties needed to complete the bench trial. (*Id.*)

The parties were unable to agree on a start date and on how many days are needed to complete the bench trial. (Apr. 11, 2022 Status Report [Doc. No. 538] at 1.) However, unprompted by the Court, the parties agreed to a timed trial, proposing that each side be allocated 24 trial hours. (*Id.* at 2–3.)

The Court held a status conference on April 12, 2022. (Hr'g Minutes [Doc. No. 541].) The Court set the trial start date for 9 AM on Thursday, April 21, 2022. The Court explained that it is willing to extend the trial days for the purpose of finishing the trial by the end of the day on April 28, 2022, which was the original end date of this trial. The Court also agreed to a timed trial, but explained that 24 hours per side went far beyond the parties' originally requested trial time. Accordingly, the parties agreed to meet and confer again.

The parties conferred on the trial time needed to finish the trial by end of the day on April 28, 2022. The parties agreed that extended days are necessary, proposing to start each day at 8:30 AM and conclude each day at 6:00 PM. (*See* Status R. & Request at 1.) However, the parties were unable to agree on how to divide the total trial time. (*See generally id.*)

II. DISCUSSION

The Court agrees that extended days are appropriate in this case and, therefore, grants the parties request to hold extended trial days, from 8:30 AM to 6:00 PM, on April 22, 25, 26, 27, and 28.

The Court also agrees to permit a timed trial. The Court has reviewed the submissions of both sides regarding the timed trial dispute, and grants a presumption of 20 hours to Plaintiff National Presto Industries Inc. and a presumption of 16 trial hours to Defendant U.S. Merchants Financial Group, Inc. The presumption can be overcome by a showing of good cause.

III. CONCLUSION

Based on the submissions and the entire file and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The parties' request for extended trial days is **GRANTED**. The updated trial schedule is as follows:
 - a. April 21, 2022: 9 AM until the end of opening statements;
 - b. April 22, 2022: 8:30 AM until 6 PM;
 - c. April 25, 2022: 8:30 AM until 6 PM;
 - d. April 26, 2022: 8:30 AM until 6 PM;
 - e. April 27, 2022: 8:30 AM until 6 PM; and
 - f. April 28, 2022: 8:30 AM until 6 PM.
2. The Court **GRANTS** the parties request for a timed trial. Plaintiff National Presto Industries Inc. is allotted a presumption of 20 trial hours, while Defendant U.S. Merchants Financial Group, Inc. is allotted a presumption of 16 trial hours. If a party seeks additional trial time, it must show good cause.

Dated: April 19, 2022

s/ Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge